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C O N F I D E N T I A L BRATISLAVA 000585

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SUBJECT: EXTRADITION: US-EU AGREEMENT NOW, BILATERAL TREATY
LATER

REF: STATE 122726

Classified By: Charge d'Affaires Scott N. Thayer for reason 1.4 (b) and (d).

1. (C) SUMMARY: Justice Minister Lipsic told Charge during his farewell call July 20 that he supported moving ahead with an initial agreement to implement the US-EU extradition treaty but urged that a more in-depth bilateral agreement be negotiated as well. He indicated a willingness to move considerably beyond the limitations on extraditing Slovak nationals that had proved vexing in April, but still not to a blanket agreement. END SUMMARY

2. (C) Charge and pol-econ chief met with Minister of Justice Daniel Lipsic July 20 to discuss moving forward on extradition and mutual legal assistance agreements per reftel. Reftel had previously been reviewed with staff of the MOJ's international cooperation division at our July 1 Independence Day reception and again on July 11. MOJ staff had told us that the GOS preference continued to be full bilateral treaties on extradition and mutual legal assistance, and that they were maneuvering in the interagency process to draft proposed language on extradition of nationals for consideration by the U.S. They stressed that Slovakia is entering an election year, that extradition of nationals is a politically-sensitive topic, and that time pressure from the U.S. was not healthy, though they understood the larger goal we have to finalize agreements with all 25 EU member states. The position of the GOS, they explained, was to sign the US-EU agreements only as a last resort.

3. (C) Lipsic showed far greater flexibility. He listened carefully to Charge's points about our desire to move quickly to finalize implementing instruments with all EU member states. His bottom line was that he would support Slovakia moving forward on implementing instruments for the U.S. - EU treaties as an interim measure, as long as this did not foreclose the possibility of continuing negotiations on more comprehensive bilateral treaties over the longer term. He readily took Charge's point that continued effort would only be worthwhile for both sides if there were a greater likelihood of more meat in any bilateral agreement. To that end, regarding extradition of nationals, Lipsic repeated that it was a very sensitive political issue that would have to be approved by parliament but that he did not have a problem with it. He explained that adopting the EU Arrest Warrant (which had prompted amendment of the Slovak Constitution to permit extradition -- not limited to EU countries) was a requirement for EU accession, and there is not similar imperative for extradition to the U.S. Furthermore, the European Arrest Warrant requires extradition only for a specific list of 32 offenses. He thought, therefore, that one way forward could be an agreement in which certain offenses would certainly be extraditable, with others only possibly so. Lipsic repeated his frequent observation that he did not personally view the death penalty as an obstacle, but cautioned that in this, as all other elements, the Cabinet and Parliament would have to agree as well. Lipsic said he would discuss the matter with his staff, and assured us they had all the relevant texts for consideration.

4. (C) On a related matter, Lipsic expressed surprise that the Prosecutor General's office had determined there was no existing basis for cooperation in a recent case involving visa fraud, asset seizure, and illegal employment schemes in the U.S., and requested the correspondence. (Comment: Lipsic's staff had displayed a similarly negative view as the Prosecutor's office, so there may not be much movement here right away.)

5. (C) COMMENT: We modestly believe there is scope here for optimism and movement forward. Lipsic is very favorably disposed towards us, and has a better understanding of the U.S., and our legal system, than most (having studied at Harvard Law). We will seek an early call on him by soon-to-arrive Ambassador Vallee in order to keep up the

momentum. Lipsic hopes to travel to Washington for a CEELI conference in September, which may provide a further opportunity to follow up. We would encourage Dept and DOJ to be thinking in terms of what a realistic approach would be to the dichotomy Lipsic described for extraditing nationals (based principally on the 32 offenses covered by the EAW). We would discourage informal contacts with lower-level Slovak

officials for the time being (who, we note, were pointedly not at this meeting, despite it being clear what subject was to be discussed).

THAYER

NNNN